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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Ernest ACH, et al.

Date: August 4, 2004

Serial No.: 09/582,122

Group Art Unit: 3627

Filed: June 22, 2000

Examiner: Steven B. McAllister

For: CABLE ELEVATOR WITH A DRIVE PLATE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL RESPONSE

Sir:

Supplemental to the Amendment filed June 9, 2004, Applicants submit herewith a revised page 8 of the Amendment. Page 8 of the Amendment contained an error in the third line from the bottom. The sentence incorrectly stated "Thus, the walls of the pathway 1 should not be loaded." This sentence has been amended to read --Thus, the walls of the pathway 1 should be loaded--. This typographical error does not change the thrust of the arguments made in the Amendment and this typographical error does not affect those arguments.

Favorable action on the present application is respectfully requested.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 4, 2004:

Klaus P. Stoffel

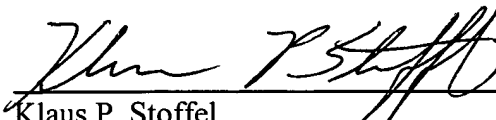
Name of applicant, assignee or
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Signature

August 4, 2004

Date of Signature

KPS:lac

Respectfully submitted,


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plane parallel to and spaced from the first plane. A cage is movably arranged on the first guides 15c and a counterweight is movably arranged on the second guides 15d. A drive engine 3 that includes a traction pulley 7 is arranged on an engine mount 21. The engine mount 21 is, according to Yoshikawa, fixed "on the top part 15e of the guide rail 15."

There is no precise definition given of the meaning of the phrase "on the top part 15e of the guide rail 15." Furthermore, there is no explanation of how and where the engine mount 21 is fixed. In particular, the reference number 15e is not shown in the drawings and the details of the top part 15e are not further explained in the reference. Furthermore, in accordance with Figures 2 and 3, the engine mount 21 is in contact with the wall of the elevator pathway 1 which indicates that the engine mount 21 may be fixed to the wall. In addition, it is not shown that the engine mount 21 is fixed at any of the first or second guides 15c or 15d.

Additionally, Yoshikawa teaches that the "drive unit 3 and the vertical load and the like applied on the drive unit 3 are supported on the guide rail 15 so that the load applied on a building is decreased" (see last five lines at the bottom of page 4 of the English translation). The fact that the load applied on the building is only "decreased" (and then not zero) indicates that the weight force of the drive, the cage and the counter weight is not conducted to a shaft floor exclusively via the guide 15 or the guides 15c and 15d, as in the presently claimed invention. It is also worth nothing that in this context, the rail 15 is "fixably attached to the elevator pathway 1" (see page 4, second paragraph) and the engine mount is in contact with the pathway 1. Thus, the walls of the pathway 1 should be loaded.

The patent to Hein shows an cable elevator having a pair of first parallel guides 36 for guiding a cage 10 and a pair of second parallel guides 37 for guiding two counterweights 24, i.e.,